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Presentment Date: March 16, 2021 @ 12:00 p.m.
Objection Deadline: March 9, 2021 @ 4:00 p.m.

Attorneys for the Motors Liquidation Company
GUC Trust Administrator

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

MOTORS LIQUIDATION COMPANY, et al.,
f/k/a General Motors Corp., et al.

Debtors.

Chapter 11

Case No. 09-50026 (MG)

(Jointly Administered)

MOTION FOR ENTRY OF ORDER AUTHORIZING CLERK'S
OFFICE TO DISPOSE OF ANY HARD COPIES OF, OR ELECTRONIC
STORAGE DEVICES WITH, DOCUMENTS FILED UNDER SEAL

By this motion (the "**Motion**"), Wilmington Trust Company, in its capacity as trust administrator and trustee of the Motors Liquidation Company GUC Trust (the "**GUC Trust Administrator**," and such trust, the "**GUC Trust**"), requests that this Court authorize the Clerk's Office to dispose of any hard copies of, or electronic storage devices with, documents filed under seal in the Debtors' chapter 11 cases and related adversary proceedings (the "**Sealed Documents**"). In support of the Motion, the GUC Trust Administrator represents as follows:

JURISDICTION

1. The Court has jurisdiction over this Motion under 28 U.S.C. §§ 157 and 1334. Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The bases for the relief requested herein are 11 U.S.C. §§ 105(a) and 107(b) and Fed. R. Bankr. P. 9018 and 9037.

BACKGROUND

3. On June 1, 2009, General Motors Corporation (“Old GM”) and certain of its affiliates (collectively, with Old GM and the two entities identified in the immediately following sentence, the “Debtors”) filed for chapter 11 bankruptcy protection in the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court” or “Court”). On October 9, 2009, two additional affiliates of Old GM, Remediation and Liability Management Company, Inc. and Environmental Corporate Remediation Company, Inc., filed for chapter 11 bankruptcy protection in this Court. The Debtors’ cases were jointly administered under the lead case, Motors Liquidation Company, Case No. 09-50026. On March 29, 2011, the Bankruptcy Court confirmed the *Debtors’ Second Amended Joint Chapter 11 Plan* [Docket No. 9941-1] (the “Plan”). The Plan provided for the creation of several post-confirmation trusts, including the GUC Trust. On March 31, 2011, the Plan became effective [Docket No. 10055]. A listing of the Debtors and their respective case numbers is attached as **Exhibit A**.

4. Both before and after confirmation of the Plan, the Debtors and other parties in interest sought, and obtained, permission to file documents, or submit electronic copies of documents, under seal pursuant to section 107(b) of the Bankruptcy Code. These orders were entered in the main chapter 11 case(s) and in related adversary proceedings. Attached as **Exhibit B** is a listing of (a) the adversary proceedings in which documents were filed under seal pursuant to an order of this Court, and (b) a listing of the parties that made requests to file under seal whether in a Debtor chapter 11 case or an adversary proceeding.

5. On April 18, 2013, the Bankruptcy Court entered final decrees pursuant to Bankruptcy Code section 350(a) closing the Debtors' chapter 11 cases, with the exception of Case No. 09-50026 of Motors Liquidation Company (the "Remaining Case"), which was to remain open for the continued administration of the Debtors' estates and any potential matters pertaining to the Debtors' cases that may arise.¹ On or about February 17, 2021 the GUC Trust Administrator made the settlement payment pursuant to the District Court's December 18, 2020 order [MDL Docket No. 8306], thereby resolving all remaining claims against the Debtors' estates and effectively bringing this case to its conclusion. On March 2, 2021, the GUC Trust Administrator filed its motion requesting entry of an order and final decree (the "Motion for Final Decree"), closing the remaining Chapter 11 case and all related adversary proceedings except for the avoidance action styled *Official Committee of Unsecured Creditors of Motors Liquidation Co. v. JPMorgan Chase Bank, N.A. et al.*, Adv. Pro. No. 09-00504.²

RELIEF REQUESTED

6. Because (i) all matters in the Debtors' cases and related adversary proceedings have been resolved, except as otherwise noted herein and in the Motion for Final Decree, (ii) final decrees have been entered in the affiliated Debtor cases, and (iii) pending Court approval of the request for entry of final decree in the Remaining Case, a final decree will be entered in the Remaining Case, there is no reason for the Clerk's office to be required to maintain the Sealed Documents.

¹ See, e.g., *Final Decree Pursuant to Section 350(a) of the Bankruptcy Code and Bankruptcy Rule 3022 Closing Certain of the Debtors' Chapter 11 Cases* [ECF No. 9], MLCS, LLC (f/k/a Saturn, LLC), Case No. 09-50027 (Apr. 18, 2013).

² The Motors Liquidation Company Avoidance Action Trust (the "AAT") is in the process of making final distributions to its beneficiaries in accordance with the terms of the Plan and AAT trust agreement and will file its own motions seeking to wind down that trust and to dispose of sealed documents in Adv. Pro. No. 09-00504.

7. Accordingly, pursuant to sections 105(a) and 107(b) of the Bankruptcy Code and Bankruptcy Rule 9018, the GUC Trust Administrator requests that the Court enter an order, substantially in the form attached as **Exhibit C**, authorizing the Clerk to dispose of the Sealed Documents, whether filed in a Debtor chapter 11 case or related adversary proceeding, and directing the Clerk to do so in a way that does not compromise the protection of the Sealed Documents afforded by the prior orders of this Court.

NOTICE

8. The GUC Trust Administrator has provided notice of this Motion to: (a) all parties entitled to receive notice pursuant to the Court-approved notice procedures (*see Sixth Amended Order Pursuant to 11 U.S.C. § 105(a) and Bankruptcy Rules 1015(c) and 9007 Establishing Notice and Case Management Procedures*, dated May 5, 2011 [Docket No. 10183]), (b) the Office of the United States Trustee, and (c) counsel for the parties who filed documents under seal in this matter as identified on Exhibit B.

NO PRIOR REQUEST

9. No prior motion for the relief requested herein has been made to this Court or any other court.

[Remainder of Page Left Intentionally Blank]

WHEREFORE, the Debtors respectfully request that the Court enter an order, substantially in the form attached as Exhibit C, (a) authorizing the Clerk's Office to dispose of the Sealed Documents; and (b) granting such other and further relief as the Court deems appropriate.

Dated: March 2, 2021
New York, New York

/s/ Kristin Going
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